

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

KENNETH COLE and ) CONFIDENTIAL  
BRIGITTE L. BROWN, )  
Plaintiffs, )  
v. ) C.A. No. 05-270 (KAJ)  
DELAWARE TECHNICAL AND ) (Consolidated)  
COMMUNITY COLLEGE, )  
Defendant. )

Deposition of PAUL THOMAS MORRIS, JR.,  
taken pursuant to notice at the offices of Margolis  
Edelstein, 1509 Gilpin Avenue, Wilmington, Delaware,  
beginning at 10:00 a.m. on Friday, January 27, 2006,  
before Ann M. Calligan, Registered Merit Reporter and  
Notary Public.

APPEARANCES:

LORI A. BREWINGTON, Esquire  
MARGOLIS EDELSTEIN  
1509 Gilpin Avenue  
Wilmington, Delaware 19806  
on behalf of the Plaintiffs,

JAMES H. McMACKIN, III, Esquire  
MORRIS JAMES HITCHENS & WILLIAMS, LLP  
222 Delaware Avenue  
P.O. Box 2306  
Wilmington, Delaware 19899-2306  
on behalf of the Defendant.

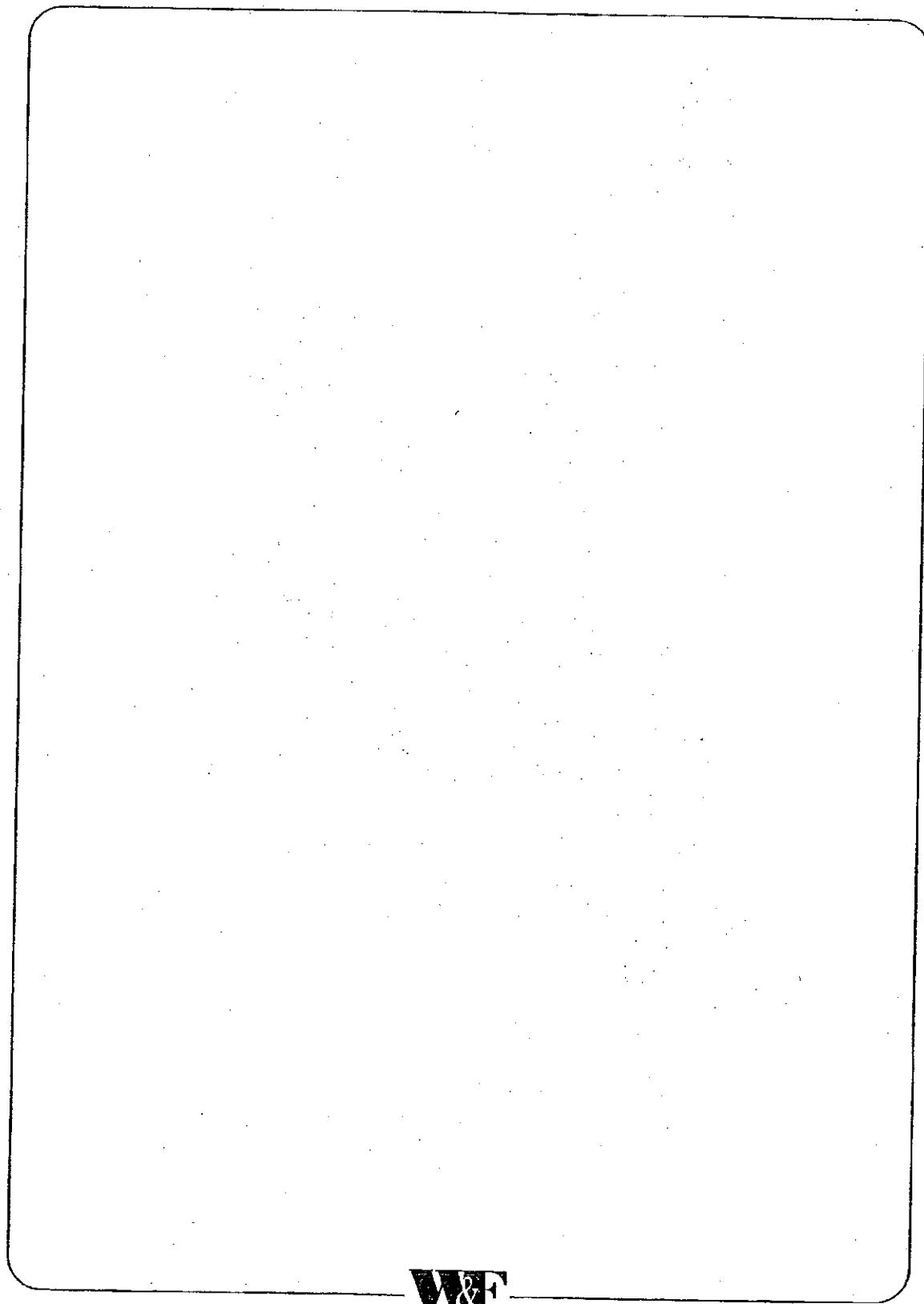
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1 ALSO PRESENT:

2 KATHERINE GEPPERT, Paralegal

3 KENNETH COLE

4 BRIGITTE BROWN (By telephone)

5 -----

6 PAUL THOMAS MORRIS, JR., ,

7 the witness herein, having first been  
8 duly sworn on oath, was examined and  
9 testified as follows:

10 EXAMINATION

11 BY MS. BREWINGTON:

12 Q. Good morning.

13 A. Good morning.

14 Q. I'm taking your deposition today. My name is  
15 Lori Brewington, and I am representing Ken Cole and  
16 Brigitte Brown in this discrimination and retaliation  
17 matter.

18 We do have a court reporter here. So I'll  
19 ask that any statements that you give are audible,  
20 like yes, no. No mm-hmms or uh-huhs because she's  
21 unable to properly record that.

22 Have you ever had your deposition taken  
23 before?

24 A. No.



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3

1 Q. I'm going to ask you a series of questions.  
2 I'll make every effort to ask them one at a time. If  
3 at any time you don't understand a question, just let  
4 me know and I'll try to explain it. If you do go  
5 ahead and answer the question, I'll assume that you  
6 understand what I've asked. If you need to take a  
7 break at any time, just let us know. There's rest  
8 rooms. All I ask is that you don't discuss the  
9 deposition with Del Tech's attorney --

10 A. Okay.

11 Q. -- while the deposition is going on on breaks.

12 MR. McMACKIN: I just want to state for  
13 the record that we can discuss it, but the privilege  
14 is waived if we do.

15 MS. BREWINGTON: Okay.

16 BY MS. BREWINGTON:

17 Q. Could you please begin by stating your name and  
18 professional title?

19 A. Paul Thomas Morris, Junior, Department Chair  
20 For Community School Projects, Delaware Tech's  
21 Wilmington campus.

22 Q. How long have you been department chair?

23 A. Department chair since April 2004. I was  
24 acting department chair from late August, beginning of



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4

1 September 2003.

2 Q. What was your possession prior to that?

3 A. Prior to --

4 Q. Prior to acting.

5 A. I was program manager for Educational Talent  
6 Search.

7 Q. How long were you program manager for  
8 Educational Talent Search?

9 A. From May 2000 until I took the acting position  
10 in August, late August, beginning of September 2003.

11 Q. And prior to that?

12 A. I was a student enrichment coordinator for  
13 Educational Talent Search from June 1998 till May  
14 2000.

15 Q. At this time tell me about Educational Talent  
16 Search.

17 A. Educational Talent Search is a TRIO program.

18 Q. And what did you do as program manager for the  
19 TRIO program?

20 MR. McMACKIN: Objection to form.

21 MS. BREWINGTON: You can go ahead and  
22 answer.

23 MR. McMACKIN: You can answer.

24 A. What I -- as program manager for Educational



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5

1 Talent Search?

2 BY MS. BREWINGTON:

3 Q. What were some of your responsibilities?

4 A. I oversaw the operations of the Educational  
5 Talent Search program.

6 Q. You oversaw the responsibilities of the what?

7 A. The operations of the program.

8 Q. If you could explain to me what exactly the  
9 Educational Talent Search program is.

10 A. It is a federally-funded program by the U.S.  
11 Department of Education to serve 700 low income, first  
12 generation youth in the New Castle County area.

13 Q. You mentioned the TRIO program. Along with the  
14 Educational Talent Search program, there are other  
15 programs that are part of that TRIO program, am I  
16 right?

17 A. At the college?

18 Q. At the college.

19 A. Yes, ma'am.

20 Q. What are those?

21 A. Upward Bound Classic, Upward Bound Math and  
22 Science, and we have a newer program called TRIO  
23 Dissemination that was funded 2003.

24 Q. Okay.



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6

1 A. There are seven TRIO programs nationally. We  
2 have four at the Wilmington campus.

3 Q. Paul, can you tell us a little bit about your  
4 educational background? Where did you go to school?

5 A. High school?

6 Q. College.

7 A. I went to Delaware Tech. I have an associate's  
8 degree in criminal justice. And then I have a  
9 bachelor's degree in behavioral science from  
10 Wilmington College. I have a master's degree in  
11 educational counseling from Wilmington College. And  
12 I'm currently enrolled in an MBA program at the  
13 University of Delaware.

14 Q. When did you receive your bachelor's degree?

15 A. In 1996.

16 Q. And your master's?

17 A. 1998.

18 Q. I'd like to begin by asking you about the move  
19 of the Upward Bound Math and Science program. I'm  
20 going to call it UBMS. Okay?

21 MS. BREWINGTON: First exhibit I have  
22 here, Paul Morris Exhibit 1.

23 (Paul Morris Deposition Exhibit 1 was  
24 marked for identification.)

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7

1 BY MS. BREWINGTON:

2 Q. The document you have in front of you is an  
3 e-mail. It's dated August 7th, 2002, to you, Paul  
4 Morris, from Ken Cole, cc'ing REDACTED

5 Who is REDACTED , for the record?

6 A. REDACTED was program manager for Upward  
7 Bound Math and Science.

8 Q. And that was Ken Cole's manager?

9 A. That's correct.

10 MR. McMACKIN: Objection to form.

11 Q. If you could review the e-mail for me, do you  
12 recall receiving this e-mail from Ken Cole?

13 A. Yes.

14 Q. And did you meet with him following this  
15 e-mail?

16 A. Yes.

17 MR. McMACKIN: Objection.

18 Q. And when did that occur? When did that meeting  
19 occur?

20 A. I'm unclear of the exact date.

21 Q. In proximity.

22 A. A few days following this.

23 Q. And tell me about that meeting or tell me about  
24 what happened. It may not have been a meeting. I



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1 don't know. You tell me.

2 A. I received the e-mail, and I am not sure if I  
3 e-mailed back, but somehow we set a meeting up. And I  
4 actually went to Mr. Cole's office and spoke with him  
5 because, as you can see in the e-mail, it just says  
6 "concerns." I had no idea why he wanted to talk to  
7 me.

8 Q. Okay.

9 A. So I went and met him in his office. I don't  
10 believe -- I don't remember how long, maybe 15, 20  
11 minutes.

12 Q. What did you say during that meeting or what  
13 did he say during that meeting?

14 A. If I recall, most of the conversation was about  
15 the summer program. Their summer program ended a few  
16 weeks prior to that meeting, and there was some  
17 instances -- incidents that happened during the summer  
18 program, I guess, that he made some decisions on that.  
19 He wanted to clarify to me why he made those  
20 decisions. So we talked about those issues.

21 And at the end -- basically at the end of  
22 the conversation is when he mentioned about the  
23 pending move and he had some concerns about a pending  
24 move.



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9

1 Q. Is that all he said, that he had some pending  
2 concerns?

3 A. Yes. He was trying to actually talk about a  
4 pending move. However, we did not -- we, meaning the  
5 management team, did not release information about a  
6 move because we were still working out the logistics  
7 of the move, of a pending move. So -- and other staff  
8 weren't informed. So I did not -- I did not disclose  
9 anything about the pending move.

10 Q. What did you tell him when he said he wanted to  
11 talk to you about the pending move?

12 A. I don't recall exactly. Something to the  
13 stance that, like I just said, we -- you know, I am  
14 not going to discuss this at this time. You'll be  
15 informed by your program manager with information  
16 about any possible move.

17 Q. What was Ken's response to that?

18 A. I don't recall.

19 Q. Mr. Morris, whose decision was it to move the  
20 UBMS program?

21 A. There was a recommendation made by myself to  
22 Ann Del Negro who was the Assistant Director for  
23 Corporate Community Programs, and then Ann Del Negro,  
24 in turn, made a recommendation to Dr. Zawislak, who,



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10

1       in turn, made a recommendation to Mr. Miller, who is  
2       our campus director.

3       Q.     And you said you made a recommendation. What  
4       were the reasons for your recommendation?

5       A.     That the TRIO programs, as you mentioned  
6       earlier, are for -- at the time there was three  
7       programs, and those programs, from 1998 when I came to  
8       the college and the time of this e-mail -- we'll use  
9       that as a reference point -- were all over the place,  
10      meaning in the building. There were staff members  
11      scattered around the building.

12      Q.     Can I stop you? When you say TRIO programs  
13      were all over the place, are we talking about the  
14      Talent Search, Upward Bound Classic, and Upward  
15      Bound --

16      A.     Math and Science.

17      Q.     Those three programs were all over?

18      A.     From 1998 to this date, there were offices  
19      located throughout all the buildings of the college at  
20      the Wilmington campus.

21      Q.     Okay.

22      A.     From 1998 until this date, the programs -- and  
23      this is actually -- this was an operation plan that  
24      was set forth by our division director to actually



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11

1 have like programs in the same area.

2 Q. Who is this?

3 A. Dr. Zawislak.

4 So over the previous three years, actually  
5 previous four years, the programs migrated to the  
6 fourth floor of the east building of the Wilmington  
7 campus, but they were still not together. One of the  
8 thoughts that I had, because I was involved as a  
9 student enrichment coordinator and also was program  
10 manager, had been in the programs for four years, was  
11 that collaboration of the programs seemed to be  
12 getting better. They are very similar programs, serve  
13 the same population.

14 Q. Are there differences between the programs,  
15 though?

16 A. Yes. Absolutely. But they are a little --  
17 there are a lot of similarities.

18 Q. Tell me about the differences between Upward  
19 Bound Math and Science and other programs.

20 MR. McMACKIN: Objection. Form.

21 A. The three programs all have differences. If  
22 you want to compare one to the other, it would be  
23 easier to do that.

24 Q. Let me ask you to tell me whether Upward Bound



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12

1 Math and Science has a residential program.

2 A. That is correct.

3 Q. Do the other programs have a residential  
4 program?

5 A. No, they don't.

6 Q. And the residential program, if you could kind  
7 of explain to me what that is because I'm uncertain  
8 about it.

9 A. It was a six-week program out of the 52-week  
10 year. The six-week program runs at the time --  
11 they've been housed different places. They have even  
12 been housed at Goldey-Beacom College. The students  
13 are on the campus. Upward Bound Math and Science and  
14 Upward Bound Classic have a six-week program. The  
15 student are there at the college, at the Wilmington  
16 campus taking classes. The difference is for the  
17 Upward Bound Math and Science, at the end of the day,  
18 they take a bus to Goldey-Beacom College to be housed  
19 for the night. So with the Upward Bound Math and  
20 Science, unlike the other programs, the students are  
21 housed for six weeks overnight in dormitories at  
22 Goldey-Beacom College.

23 Q. And Ken Cole and Brigitte Brown, are they  
24 somehow responsible for the students in the



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13

1 residential program?

2 A. The program manager is ultimately responsible  
3 for the students.

4 Q. I kind of want to get an understanding of who  
5 reports to who.

6 A. Okay.

7 Q. So the students are in the residential programs  
8 and they have, I assume, RAs or something?

9 A. Youth care workers we call them.

10 Q. And youth care workers, who do they report to?

11 A. They report -- everyone reports to the program  
12 manager.

13 Q. So youth care workers report directly to the  
14 program manager?

15 A. That's correct.

16 Q. What role do the student enrichment  
17 coordinators have with the residential program?

18 A. Whatever role was directed by the program  
19 manager. The way the programs operate, the program  
20 manager -- we don't have different levels of  
21 supervision. So the program manager operates the  
22 program. Everyone underneath the program manager goes  
23 to him. If the program manager delegates  
24 responsibilities of checking on the students or things



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14

1 like that, that would be at the discretion of the  
2 program manager.

3 Q. Do you know what specifically went on with the  
4 Upward Bound Math and Science as far as you do you  
5 know whether or not REDACTED delegated those  
6 responsibilities to her student enrichment  
7 coordinators?

8 MR. McMACKIN: Objection to form.

9 A. I don't know.

10 Q. You don't know?

11 A. No.

12 Q. We got kind of off track here. We were talking  
13 about the move.

14 A. Okay.

15 Q. And you indicated that it was your decision --

16 A. I'm sorry. I didn't indicate that.

17 MR. McMACKIN: Objection.

18 A. I indicated I made a recommendation.

19 Q. That you made a recommendation?

20 A. That's correct.

21 Q. All of the programs were on the fourth floor of  
22 the east building when you made this recommendation,  
23 correct?

24 A. That's correct.



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15

1 Q. And you made this recommendation. I'm just  
2 trying to understand. If I'm wrong, please correct  
3 me.

4 A. Sure.

5 Q. You wanted to make this recommendation so that  
6 who could be more together, so that --

7 MR. McMACKIN: Objection. Presumes.

8 A. The one program that was actually together,  
9 meaning in the same exact space -- I used the word  
10 "best defined space." A defined space was the  
11 Educational Talent Search program.

12 Just for history sake, that program -- and  
13 personally I was involved in that program. I moved  
14 four times before we got to that space. That space  
15 was allocated to us because the grants work on a four-  
16 to five-year cycle of funding. So the goal was to  
17 actually get space that we could keep. One of the  
18 problems in a college atmosphere is -- and especially  
19 with grant funds -- it's all funding. You're not  
20 always the number 1 priority to having an opportunity  
21 to be in space that you can keep for a while. Was  
22 very key for the -- for us to be able to meet the  
23 objectives of the program. The Educational Talent  
24 Search program moved to the fourth floor, which the



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16

1 Upward Bound Classic program was already there and  
2 they have somewhat defined space. They were a little  
3 bigger than what the space could provide them because  
4 they actually grew. They actually got a supplement  
5 where they could serve more students. So the  
6 Educational Talent Search program had defined space.

7 The Upward Bound Math and Science program  
8 was along a wall that the space was not even -- it  
9 wasn't even our division space. It was being loaned  
10 to us, meaning that the parallel program of the  
11 University of Delaware that was -- that was kind of  
12 their office space. So being able to move, being able  
13 to put the program in a spot to where -- because they  
14 have a four-year grant cycle -- to where we know they  
15 are not going to be moved again was important.

16 Q. Now, you mentioned the Educational Talent  
17 Search and Upward Bound Math and Science. How about  
18 the Upward Bound Classic, were they in a defined space  
19 at this time?

20 A. I mentioned that as well. That was already on  
21 the fourth floor. They are on the fourth floor.

22 Q. How were they located?

23 A. They were located --

24 MR. McMACKIN: Objection to form.

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17

1 A. They were located in a defined space. However,  
2 they grew. They got a supplement. So, therefore,  
3 there was -- they were -- there was one spot. The  
4 office would only hold a number of staff. That was  
5 one more staff that needed to actually go in there,  
6 which there wasn't enough space.

7 Q. So one of their staff members was not with UBC?

8 MR. McMACKIN: Objection to form.

9 A. Not in that space.

10 Q. Not in that space? Not in the defined space?

11 A. That's correct.

12 MR. McMACKIN: Can I interject for a  
13 second? Can I instruct the witness to give me an  
14 opportunity to object before he answers the question.

15 MS. BREWINGTON: Okay. Where was I?

16 MR. McMACKIN: I didn't mean to throw you  
17 off.

18 MS. BREWINGTON: That's okay.

19 MR. McMACKIN: I just wanted to make sure  
20 I was able to put my objections in.

21 BY MS. BREWINGTON:

22 Q. I just wanted to make sure I understand the  
23 reasons for your recommendation.

24 A. Sure.

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18

1 Q. ETS was in their defined space, all of them?

2 MR. McMACKIN: Objection to form.

3 A. Yes. To a point.

4 Q. Okay. Explain.

5 A. There was a part-time student enrichment  
6 coordinator added to the grant, added to the budget  
7 for the grant in 2002. The Educational Talent Search  
8 program received a 15 percent increase. And when we  
9 received the 15 percent increase, we built in -- in  
10 our budget we built in an additional student  
11 enrichment coordinator because the program served 700  
12 students.

13 Q. You know what would be easier for us? Let's go  
14 to the exhibit. It is number 3. Actually, turn to  
15 the second page here. Have you ever seen this  
16 document before?

17 A. Yes.

18 Q. What is this?

19 A. It looks like a set-up on the fourth floor.

20 Q. Now, this is the way this exhibit -- does this  
21 accurately depict the way that the fourth floor was  
22 set up prior to your recommendation?

23 MR. McMACKIN: I just want to put in an  
24 objection that this document is not Bates numbered.



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19

1 Where did you get this document?

2 MS. BREWINGTON: In our files.

3 MR. McMACKIN: Okay. It wasn't produced,  
4 or do you have a Bates number stamped version?

5 MS. BREWINGTON: I mean, this version may  
6 not have been -- this actual one, but this was  
7 produced. Can we find the Bates stamped one just to  
8 let him know?

9 MR. McMACKIN: Is this from your  
10 production?

11 MS. BREWINGTON: Yes.

12 BY MS. BREWINGTON:

13 Q. I'm not sure you answered the question. Do you  
14 remember the question?

15 A. No.

16 Q. The question was, does this accurately depict  
17 the set-up on the fourth floor prior to your  
18 recommendation?

19 MR. McMACKIN: Objection. Ambiguous.

20 MS. BREWINGTON: You can answer.

21 MR. McMACKIN: Yeah. You can answer.

22 A. The only thing this purple program, the SOAR  
23 program, at about that time was changed over. There  
24 was a program called "To the Max." So, because you're



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20

1 asking questions about a recommendation, part of the  
2 recommendation was based on the fact that this program  
3 was a program of four staff.

4 Q. The SOAR?

5 A. To the Max program.

6 Q. To the Max. Okay.

7 A. And then that program was defunded. When the  
8 program was defunded, we received funding for a  
9 similar program, but only had a staff of two. So  
10 because of that, because this was all going on at  
11 about the same time, that was other important piece of  
12 making the recommendation to make this move. So this  
13 document says "SOAR." I just wanted to make sure it  
14 was clear that the decision -- the recommendation for  
15 the decision was made because -- one of the reasons  
16 was because of that program being defunded, and only  
17 being replaced with two staff members. So, therefore,  
18 the staff that was in this office, 401, had a staff of  
19 four in that office and now had a staff of two.

20 Q. Okay. So they had a staff of four when it was  
21 To the Max?

22 A. That is correct.

23 Q. Who are the people that were in that new --  
24 when we are talking about this office, for

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21

1 clarification, are we talking about this entire  
2 rectangle to the left --

3 A. That is correct.

4 Q. -- of the piece of paper?

5 When this was To the Max, how many people  
6 were in there? You said four?

7 A. That's correct.

8 Q. What four people? What are their names?

9 MR. McMACKIN: Objection. The question  
10 doesn't call for a time frame.

11 MS. BREWINGTON: Let me clarify.

12 MR. McMACKIN: You can still answer.

13 THE WITNESS: No. No. Actually that  
14 helps me because there were different people.

15 BY MS. BREWINGTON:

16 Q. That's fine. As I understand it, when you made  
17 the recommendation this was the To the Max program?

18 A. About the same time To the Max was being  
19 defunded, so, yes.

20 Q. Okay.

21 A. It was the SOAR -- at the time the  
22 recommendation was made, it was the SOAR program, if I  
23 recall. It was like May -- April, May is when the  
24 program was defunded, and we got -- we received



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22

1 funding July 1st for the SOAR program 2002.

2 Q. So at the time you made the recommendation,  
3 this program was SOAR?

4 A. That's correct.

5 Q. Okay.

6 A. But part of the reason I made the  
7 recommendation was because it went from the To the Max  
8 program to the SOAR program.

9 Q. At the time around April or May when it was To  
10 the Max program --

11 A. Yes.

12 Q. -- there were four people?

13 A. Yes.

14 Q. Who were those four people?

15 A. I believe the program manager was Peter Lonie.

16 Q. And was Peter Lonie located in this smaller  
17 rectangle here?

18 A. That say PM, that's correct. On your document  
19 it says PM.

20 Q. So where it says PM, that's where Peter Lonie  
21 was?

22 A. I believe so.

23 MR. McMACKIN: Let the record reflect  
24 opposing counsel is pointing at a pink space in top



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23

1 right part of the paper. Because they both state PM,  
2 the green and pink, I just wanted to clarify.

3 BY MS. BREWINGTON:

4 Q. All right. So Peter Lonie was here. Who was  
5 in this rectangle right here to the top of the PM pink  
6 rectangle?

7 A. I believe -- there was -- there was changes in  
8 staff, but you said May, so I'm trying to think who  
9 was there at the time.

10 Q. Okay.

11 A. The two student enrichment coordinators, and  
12 the two student enrichment coordinators, if I  
13 believe -- if I'm correct, was Crystal Heath was one  
14 and Carolyn Cave, I believe, was the second.

15 Q. Carolyn Cave?

16 A. Cave.

17 Q. These were two student enrichment coordinators?

18 A. Yes.

19 Q. So that's three.

20 A. And there was a program secretary. And at one  
21 point, the program secretary was Diana Dyson, and then  
22 Cathy Hagan was the program secretary at one point as  
23 well. I don't recall when that change-over took  
24 place.



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24

1 Q. Now, was Diana Dyson or Cathy Hagan in this  
2 smaller rectangle to the right of the whole square  
3 where it says, "part-time secretary"?

4 A. I'm not -- I don't recall. That office is --  
5 is open. So I don't know exactly where the student  
6 enrichment coordinators -- I don't recall where the  
7 student enrichment coordinators were located. It  
8 would be like this conference room. They were located  
9 throughout the room.

10 Q. So it's not like a separate office or anything?

11 A. That's correct.

12 Q. So the number of people in -- I'm trying to  
13 figure out how to explain this to you so that it's  
14 clear on the record. The number of people in the box  
15 that's not located PM is three as I understand it?

16 MR. McMACKIN: Objection. Vague.

17 A. I don't understand the question.

18 Q. There were four people total in this entire  
19 rectangle, correct?

20 A. That's correct.

21 Q. Peter Lonie was in the program manager?

22 A. To my recollection, yes.

23 Q. So there were three in the other rectangle  
24 here, this portion right here?

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25

1 MR. McMACKIN: Objection. Vague.

2 A. Yes.

3 Q. Okay. And one of them, Cathy Hagan was part  
4 time?

5 MR. McMACKIN: Objection to form.

6 A. I didn't say that. Are you --

7 Q. I'm asking, is it true that one of them, Cathy  
8 Hagan, was part time?

9 A. I'm not sure. There was two -- there was two  
10 full time. There was a full-time secretary. Diana  
11 Dyson was a full-time secretary. At some point she  
12 left the college and Cathy Hagan became the program  
13 secretary for To the Max. I'm not sure what her  
14 status was.

15 Q. So you don't know whether she was part time or  
16 full time?

17 A. I would -- I will say that I believe she was  
18 full time.

19 Q. But you're not certain?

20 A. That's correct.

21 Q. And you mentioned that Carolyn Care was one of  
22 the three people in the area not identified as PM?

23 A. Carolyn Cave.

24 Q. Carolyn Cave. Excuse me.



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26

1                   Was there a time when she left this  
2 program?

3                   A. She no longer works for that program. So, yes,  
4 there was a time she left the program.

5                   Q. So when she left the program, were others still  
6 in there? I'm trying to figure out when she left and  
7 who was left in that office space at the time, so --

8                   A. To the Max program had a staff of four. The  
9 SOAR program had a staff of two. SOAR program started  
10 July 1, I believe, if I recall correctly the To the  
11 Max program ended in June.

12                  Q. So when the SOAR program started in July, how  
13 many people were in not the project manager's area,  
14 but this area right here?

15                  A. I don't recall.

16                  MR. McMACKIN: Objection. Vague.

17                  A. There was only one student enrichment  
18 coordinator for the SOAR program. Starting July 1  
19 there was one student enrichment coordinator.

20                  Q. So one student enrichment coordinator. What  
21 was her name?

22                  A. Crystal Heath.

23                  Q. So when SOAR began, we have one student  
24 enrichment coordinator in -- let me start here. We



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27

1 have Lonie Peterson in here.

2 A. Peter Lonie.

3 Q. Peter Lonie in the project manager's area, in  
4 the pink area here, and then we have one student  
5 enrichment coordinator above him in this area right  
6 here?

7 MR. McMACKIN: Let the record reflect that  
8 opposing counsel is pointing to the same area  
9 referenced before, the pink area with the PM and the  
10 part-time secretary.

11 A. I'm not 100 percent sure, but the program had  
12 two. So that would make sense.

13 Q. Okay. Had two people?

14 A. Two people.

15 Q. Okay.

16 A. That's correct.

17 Q. So two people total in the whole room 408?

18 A. Yes.

19 Q. Is it true that this part right here above the  
20 PM, is that 408E, do you know?

21 A. 408E represents -- the E represents east  
22 building. So all the rooms in that building are --  
23 have an E representation. So 404E. It has nothing to  
24 do with inner office, outer office.



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28

1 Q. So this --

2 A. That entire rectangle is 408E.

3 Q. Okay. All right. That was tough.

4 MR. McMACKIN: Can we go off the record  
5 for a second?

6 MS. BREWINGTON: Yes.

7 (Discussion off the record.)

8 BY MS. BREWINGTON:

9 Q. Back on the record, the next page of exhibit 3,  
10 is identified as alternative 1. Do you see that?

11 Do I have the wrong page?

12 Oh, it says, "Proposed move. Cost versus  
13 allocation of space." It's the one right after.

14 A. Yes.

15 Q. Have you ever seen this document?

16 A. No.

17 Q. Let me ask you something. Could you just read  
18 it for me since you haven't seen it before?

19 A. Okay.

20 Q. Have you had an opportunity to read it?

21 A. Yes.

22 Q. Mr. Morris, is it fair to say that this diagram  
23 here accurately reflects your recommendations for the  
24 move?

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29

1 MR. McMACKIN: Objection. The deponent  
2 testified that he had no recollection of seeing the  
3 document before.

4 You can answer.

5 A. Point of clarification, I guess this is 408?  
6 I'm pointing now to the upper left-hand corner. The  
7 yellow is 408?

8 Q. Yes.

9 A. The rectangles -- you know, one rectangle  
10 that's noted as PM, but the other rectangles, are they  
11 representing individuals?

12 Q. I don't believe so. I think they are  
13 representing office space. Just space.

14 Well, what it is is representing where the  
15 yellow is would be where UBMS is and their project  
16 manager would be in this area and the rest of them  
17 would be in that area.

18 A. The rest of them being the staff?

19 Q. Yes.

20 A. So each -- there's three rectangles, so I  
21 assume you mean there's three staff members that would  
22 be located in that area. This isn't my document, so  
23 I'm just --

24 Q. I understand. Yes.



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30

1                   MR. McMACKIN: Can I just lodge a  
2 continuing objection to exhibit 3 to the extent that  
3 they weren't produced? That way I don't have to do it  
4 every time you flip the page.

5                   And also, I personally haven't seen a  
6 colored copy of this so I can't -- I don't want to  
7 testify as to authenticity, but the authenticity of  
8 this document hasn't been testified to.

9                   You can answer it.

10                  A. Repeat your question, please.

11                  Q. My question to you, my earlier question was,  
12 after you've had a opportunity to review this  
13 document, does it accurately depict your  
14 recommendation for the move?

15                  MR. McMACKIN: Objection. Same objection.

16                  A. No.

17 BY MS. BREWINGTON:

18                  Q. And tell me why not.

19                  A. You have noted on the right side of the  
20 document that the -- first of all, I would like to  
21 make one statement, that the document is not to scale  
22 obviously.

23                  Q. Obviously.

24                  A. The offices are -- some offices are made bigger

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31

1 and some offices are made smaller. I don't know if  
2 that was done for any type of purpose or not, but it's  
3 nowhere near close to scale.

4 The blue, it's noted program manager is  
5 blue. I guess we call it a square to the right side  
6 of document. In the middle, there's five squares.  
7 The one in the middle, it's noted program manager.

8 My recommendation was to have the program  
9 manager of Upward Bound Classic move down to one below  
10 that where it says SEC. It's purple.

11 Q. And who was the program manager of UBC?

12 A. At the time the program manager for UBC was  
13 Kate Sullivan.

14 Q. So it was your recommendation to move project  
15 manager Kate Sullivan into SEC below the blue project  
16 manager --

17 MR. McMACKIN: Objection. Foundation.

18 Q. -- that are now pink?

19 A. Yes.

20 Q. Can you tell me who was in the SEC in pink  
21 there below project manager in blue?

22 A. Who was --

23 Q. Who was located in that office?

24 A. Brigitte Brown. She was student enrichment



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32

1 coordinator for Upward Bound Math and Science.

2 Q. And why did you recommend to have Kate Sullivan  
3 move into Brigitte Brown's office?

4 A. Just for a matter of record, this is proposed  
5 move. So if the move happened, Brigitte Brown would  
6 no longer be there. Brigitte Brown would be in the  
7 yellow upper left-hand corner. So it wasn't moving to  
8 Brigitte Brown's office. It was moving to a vacant  
9 office.

10 Q. What was your reason for moving Kate Sullivan  
11 into what was Brigitte Brown's office?

12 MR. McMACKIN: Objection. Foundation.

13 MS. BREWINGTON: You have an objection, a  
14 long-standing objection for foundation issues.

15 MR. McMACKIN: Here's the issue. He  
16 doesn't remember this document, and you're questioning  
17 him on this document.

18 MS. BREWINGTON: I've asked him to review  
19 it here today. I mean, I'm asking him about a  
20 document here today.

21 MR. McMACKIN: I know. He's answering the  
22 question.

23 MS. BREWINGTON: But he's had an  
24 opportunity to review it today. I asked him to review



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33

1 it.

2 BY MS. BREWINGTON:

3 Q. My question to you is, you wanted Kate Sullivan  
4 to move into what would have been an empty office  
5 because your recommendation was to have Brigitte move,  
6 is that correct?

7 A. You -- I didn't want. You know, based on the  
8 proposal of all these moves, Kate Sullivan would move  
9 to that office.

10 Q. And what was your reason for Kate Sullivan  
11 moving to that office? And that office, I mean -- I  
12 have to identify it -- Brigitte Brown's former office,  
13 if you were to recommend her to move to another  
14 office.

15 A. That office -- that was -- Brigitte Brown's  
16 former office was a larger office, and that's one.

17 The second reason is, as you can see on  
18 your document, you have program manager in the first  
19 square and the fourth square says SEC. They are both  
20 labelled -- I guess that's pink or purple. They are  
21 the same program. So my thought was to get those two  
22 individuals next to each other.

23 Q. Those two individuals of -- and I'm just asking  
24 the question -- of REDACTED and Brigitte Brown?



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34

1 A. No.

2 Q. Okay. You can say their names.

3 A. Your document suggests that this is what would  
4 happen if the move took place.

5 Q. Okay.

6 A. If the move took place, the program manager  
7 where REDACTED was would now be Peter Lonie.  
8 His SEC, which was Crystal Heath, you have located on  
9 this document -- you have located where Brigitte  
10 Brown's former office was. My proposed move had that  
11 individual next to -- right underneath Peter Lonie.

12 Q. Okay.

13 A. Which is white and blank in your document.

14 Q. And your proposed move would have had Kate  
15 Sullivan move into this empty office here?

16 A. Move down.

17 Q. Below? Move down one?

18 A. That's correct.

19 Q. Now, in the center of the document are rooms  
20 that are colored blue. Do you see that?

21 A. Yes.

22 Q. Is that an accurate depiction of where the  
23 other members of the Upward Bound Classic program were  
24 located?

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35

1 MR. McMACKIN: Objection. Vague.

2 A. It's AN accurate depiction but, once again, not  
3 to scale.

4 Q. Not to scale, okay. But as far as location?

5 A. That's correct.

6 Q. With respect to where everything else is.

7 Okay.

8 So as far as defined space for the Upward  
9 Bound Classic program, is it fair to say that there  
10 wasn't a defined space for the Upward Bound Classic  
11 program?

12 A. No.

13 Q. No, it's not fair to say that?

14 A. No, it's not.

15 Q. Why not?

16 A. The program had defined -- the program actually  
17 had the first defined space. That program was on that  
18 floor first. They had that space because in 2001 they  
19 received a supplement.

20 A supplement is a one-year supplement to  
21 their grant to serve more students and to hire staff  
22 to serve those students. The student enrichment  
23 coordinator that was hired because of that supplement  
24 went into that office space. Therefore, the program



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36

1 manager was not that in office space. The thought --  
2 and I wasn't the program manager at the time, nor was  
3 I ever the program manager for Upward Bound Classic.  
4 The thought, to my recollection, was to have the  
5 staff -- it was more important to have the staff  
6 together than it was to have the program manager right  
7 there if you're adding staff.

8 Because that was a one-year -- there was  
9 no guarantee we were going to get it beyond one  
10 year -- it had defined space. If we didn't get it the  
11 following year, then that -- one of those -- one of  
12 those rectangles would become available and the  
13 program manager would be move back in.

14 Q. Is it fair to say that you consider this in the  
15 blue representing on this model the UBC in the blue,  
16 proposed move cost, that this is defined space for  
17 Upward Bound Classic?

18 A. Without the supplement, yes.

19 Q. This is defined space even though the project  
20 manager is not located in the same area?

21 A. Without the supplement, yes.

22 And for the record, the supplement was  
23 defunded a year later. So the program manager  
24 currently, for the last two years, has been in that

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37

1 blue area that you just described.

2 Q. My earlier question was to you, is there  
3 anything on here that does not accurately reflect your  
4 recommendation for the move?

5 A. Yes.

6 Q. And you mentioned Kate Sullivan's office and  
7 how you would have moved her down one to where  
8 Brigitte Brown was no longer.

9 A. That was my recommendation.

10 Q. Are there any other things on this that are --  
11 that you would have recommended or that are not  
12 accurate?

13 A. That I did recommend.

14 Q. That you did recommend.

15 A. SEC -- if Kate Sullivan was to be -- because on  
16 your document you have Kate Sullivan, PM, in blue in  
17 the middle square of five squares. If that PM for  
18 Upward Bound Classic was to be moved down, the SEC in  
19 purple, which is SOAR, per your document, would have  
20 to go somewhere. My recommendation was to have that  
21 SEC move in the white blank square, one below the  
22 program manager in purple.

23 Q. Okay.

24 A. Also, in your document you have the last square



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38

1 or the bottom square. It's labelled SEC, lower case  
2 PT.

3 Q. Yes.

4 A. And could you clarify what that means?

5 Q. There is the part time student enrichment  
6 coordinator for the talent search program in green.

7 A. My recommendation was to have the part-time  
8 student enrichment coordinator for Talent Search move  
9 into that office along with another part-time tutoring  
10 coordinator, which was a student enrichment  
11 coordinator as well. Her name was Nell O'Neil. So  
12 there was actually two individuals sharing that  
13 office.

14 Q. That was your recommendation?

15 A. That's correct.

16 Q. Is it fair to say that the talent search  
17 program was not in its defined space?

18 A. No.

19 Q. It's not fair to say that. Why not?

20 A. The Talent Search program up until this point  
21 had only two student enrichment coordinators. Because  
22 of the 15 percent increase, a part-time student  
23 enrichment coordinator was added. Therefore, having  
24 that part-time student enrichment coordinator, that



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39

1 part-time student enrichment coordinator had to have  
2 office space. However, it's not in the grant. That  
3 position wasn't in the grant. So, therefore, when  
4 you -- when you look at the defined space, you're  
5 looking at space that fits the needs of the grant  
6 because of it's a four- or five-year grant.

7 Q. Okay.

8 A. And really the same discussion we had with  
9 Upward Bound Classic because it's a supplement and it  
10 wasn't guaranteed.

11 Q. So, in your opinion, the Talent Search program  
12 had defined space even though not all of their student  
13 enrichment coordinators were in that same defined  
14 space?

15 MR. McMACKIN: Objection. Foundation.

16 A. My opinion is that a part-time student  
17 enrichment coordinator that was not in the grant was  
18 not in that defined space.

19 Q. Next page of the document, it say, alternative  
20 1. It's labelled, alternative 1. Have you ever seen  
21 this document before?

22 A. No.

23 Q. Can you please take time to review it for me.

24 A. Okay.

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40

1 Q. Have you had an opportunity to review  
2 alternative 1?

3 A. Yes.

4 Q. This document, does it show that the SOAR  
5 program would be in the left-hand area in the  
6 rectangle area of this diagram up at the top?

7 A. That's what the diagram shows, yes.

8 Q. And it also indicates that the Upward Bound  
9 Math and Science program would remain along the wall  
10 to the right?

11 MR. McMACKIN: Objection to form.

12 BY MS. BREWINGTON:

13 Q. Does it not?

14 A. Yes. The document shows that, yes.

15 Q. It also seems to indicate that the secretary of  
16 the Upward Bound Math and Science program would move  
17 along the wall with the rest of the Upward Bound Math  
18 and Science program, does it not?

19 A. Yes, it does.

20 Q. Mr. Morris, does alternative 1 indicate a  
21 defined space for the Upward Bound Math and Science  
22 program?

23 A. In what regards?

24 Q. I mean, we've been talking about defined space,

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41

1 and you said that your recommendation was to have  
2 defined space for the programs. Would this  
3 alternative provide a defined space for Upward Bound  
4 Math and Science?

5 MR. McMACKIN: Objection. Vague.

6 A. No.

7 Q. Why not?

8 A. Well, no for two reasons. Defined space was  
9 important to have for longevity. These offices, as I  
10 mentioned earlier in my testimony, were not secure for  
11 our department meaning that they were a loan from  
12 another department. So that's why I would say they  
13 are not defined space because it was not space that we  
14 know we are going to have for a long time. That -- I  
15 should say that we were guaranteed to have for a long  
16 time.

17 Q. You said there was another reason?

18 A. Second reason, the program is split with  
19 another program member from another -- another member  
20 from another program in the middle of the five.

21 Q. Well, if we go back to the proposed move  
22 document, the one before that --

23 A. Okay.

24 Q. -- isn't it accurate that, in the proposed move



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42

1       that Kate Sullivan, program manager, will be split  
2       from her group, student enrichment coordinators?

3       A.     That's correct.

4       Q.     And it's also true that, in the proposed move,  
5       the student enrichment coordinator part time of the  
6       Talent Search would also be split from the program  
7       manager and the rest of the Talent Search members, is  
8       that true?

9       A.     That's true.

10      Q.     If you could turn to alternative 2?

11      A.     Just for record, these alternatives are things  
12       that you're proposing, not that we are proposing. I  
13       never had alternative 1 or alternative 2. I made a  
14       recommendation, which was -- which was captured not  
15       accurately on the first page. But I guess I'm asking,  
16       these are things that you're proposing?

17      Q.     These are not things that I'm proposing. These  
18       are things that were proposed to Delaware Tech.

19      A.     Okay. Just so you know, I wasn't involved in  
20       this. I just wanted to make sure.

21      Q.     Alternative 2, have you ever seen this document  
22       before?

23      A.     No.

24      Q.     Can you please take time to review it?



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43

1 A. All right.

2 Q. Have you had an opportunity?

3 A. Yes.

4 Q. Mr. Morris, is it true that this alternative 2  
5 would have REDACTED , the project manager, remain  
6 in her area, which is this yellow box at the top of  
7 the row of boxes, and have the remainder of her group  
8 move to what we know is 408 but on this diagram it's  
9 the top rectangle on the left-hand side?

10 My question -- did you understand the  
11 question?

12 A. No. Please repeat it.

13 Q. The question is -- I had to explain so much and  
14 give you so much detail, it's like the question got  
15 lost in there somewhere.

16 MR. McMACKIN: I don't have to object any  
17 more. Now you got the message.

18 MS. BREWINGTON: I got it down with the  
19 detail. Okay. Let me try this again.

20 BY MS. BREWINGTON:

21 Q. Is it true that this diagram, this alternative  
22 diagram, indicates that REDACTED would remain  
23 where she is, which is indicated in a yellow box  
24 labelled PM on the very top of a row of boxes and --



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44

1 let me just take it there. Let me ask you that one  
2 question. Is that what this alternative 2 indicates  
3 to you?

4 MR. McMACKIN: Objection to form.

5 A. Yes.

6 Q. Does it also indicate that the remainder of  
7 UBMS would move to the rectangle at the top of the box  
8 that's also colored in yellow?

9 A. If the document represents that those three  
10 rectangles would be three staff members, yes.

11 Q. This document also depicts, does it not, that  
12 the blue rectangle in the center of the row of boxes  
13 to the right where Kate Sullivan was located would  
14 remain where she is?

15 A. That's what this document represents, yes.

16 Q. And the remainder of her group would be in the  
17 center underneath where it says "computer room," these  
18 blue boxes here?

19 MR. McMACKIN: Objection to form.

20 A. That's what the document states, yes.

21 Q. My question, Mr. Morris, is, does this  
22 alternative accomplish your goal of having the TRIO  
23 program, the UBMS in a defined space?

24 MR. McMACKIN: Objection. Foundation.

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45

1 A. No.

2 Q. Okay.

3 A. Because that wasn't the -- that wasn't the goal  
4 to have UBMS in the defined space.

5 Q. The goal was not to have UBMS in its own  
6 defined space, is that correct?

7 A. That's correct.

8 Q. Who did you want in their defined space?

9 A. I was trying to get everyone in defined space.  
10 That was the ultimate goal.

11 Q. So everyone meaning all of the TRIOs in a TRIO  
12 defined space, is that --

13 A. TRIO programs, yes.

14 Q. So you wanted all the TRIO programs together?

15 A. That's correct.

16 Q. Okay.

17 A. And have each individual program together.

18 Q. Okay.

19 A. That was the ultimate goal.

20 Q. Ultimate goal. Right.

21 To have not only the TRIO program in its  
22 defined space, am I right, but to also have each  
23 individual program in their defined space?

24 A. That's correct.



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46

1 MR. McMACKIN: Objection to form.

2 Q. Does this picture accurately depict alternative  
3 2, the Upward Bound Math and Science program being in  
4 their defined space?

5 A. No.

6 Q. Why not?

7 A. Because there's -- the program manager is not  
8 with the program.

9 Q. But if I take you back to alternative 1 --  
10 actually let's go back to proposed move. Is it true  
11 that you indicated that the Upward Bound Classic  
12 program was in their defined space even though the  
13 project manager was outside of that area?

14 A. Your question to me was Upward Bound Math and  
15 Science would be that defined space. And now you are  
16 asking about Upward Bound Classic?

17 Q. Yes.

18 A. Okay. So we're clear on two distinctions. If  
19 the program did not have the supplement -- I guess we  
20 can go back.

21 My statement was, if the program didn't  
22 have the supplement, then, yes, it would be defined  
23 space.

24 Q. If the program didn't have --

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47

1 A. Didn't have the supplement. The reason the  
2 program manager is outside of this defined space is  
3 because they received a supplement. They no longer  
4 have a supplement; the program manager is now actually  
5 in that space. So, when making a recommendation, I  
6 was looking down the road, and knowing that that was  
7 not secured funding, that was why the program manager  
8 was not in that space. So it wasn't defined space for  
9 the entire program, but I knew it could accommodate  
10 the program for the future.

11 Q. Mr. Morris, do you recall saying to REDACTED  
12 REDACTED , the program manager of UBMS, that her group  
13 should put their concerns in writing and put it in  
14 black and white?

15 A. No.

16 MR. McMACKIN: Compound. Objection.

17 Q. Do you recall saying to REDACTED that  
18 they should explain where it says in their job  
19 description where it's stated that they could not  
20 move?

21 A. No.

22 Q. Do you have any idea where this allegation may  
23 have come from?

24 A. I said to REDACTED to put their concerns



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48

1       in writing. You asked two questions, so, therefore, I  
2       couldn't answer your question.

3       Q.     So you did tell REDACTED                   that they should  
4       put their concerns in writing?

5       A.     No.

6       Q.     Tell me what you said to REDACTED .

7       A.     I asked REDACTED                   to have her staff put  
8       their concerns in writing based on the recommendation  
9       of the division director.

10      Q.     But did you not say, explain where it says in  
11       their job description where it's stated that they  
12       could not move?

13      A.     Not to my recollection.

14      Q.     Did you say anything like that, similar?

15      A.     Not to my recollection.

16      Q.     I'd like to take you to -- I'm not sure what  
17       exhibit this is. It's the actual complaint. It's  
18       paragraph number 4.

19           MS. BREWINGTON: Wait. Did we mark these  
20       as an exhibit. Can I go ahead and do that?

21           MR. MULLER: Would it be easier, because  
22       you have all this together, to just -- the first thing  
23       you referred to that we marked as exhibit 1 was  
24       exhibit 1 as you presented it to us. You skipped over

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49

1       2, and then we went to 3. Would it be an easier --  
2       I'm just making a suggestion if you wanted to just  
3       mark things non-sequentially as they are presented.  
4       Just throwing that out there because we skipped over  
5       2. I don't know if you're planning on coming back to  
6       it.

7                     MS. BREWINGTON: Yeah. All these I may  
8       not use.

9                     MR. McMACKIN: I don't want to add  
10      confusion. I'm sorry.

11                     (Discussion off the record.)

12                     (Paul Morris Deposition Exhibits 2 and 3  
13      were marked for identification.)

14                     BY MS. BREWINGTON:

15             Q. Mr. Morris, I'd like to refer you to paragraph  
16      20 of Ken Cole's complaint, if you could read that for  
17      me.

18             A. On or about --

19             MR. McMACKIN: You can read it to  
20      yourself.

21             A. This is like reading class.

22             Q. Do you recall meeting with the UBMS staff in or  
23      around August 29, 2002?

24             A. Yes.



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50

1 Q. I'd like for you to tell me what occurred  
2 during that meeting as much as you can recall. We'll  
3 start with, what did you say at that meeting?

4 A. I can't recall.

5 Q. Do you recall saying anything at that meeting?

6 A. I'm sure I said something, but I can't recall  
7 what that was.

8 Q. You can't recall. Do you recall the meeting?

9 A. Yes.

10 Q. Where were you?

11 A. I believe the meeting took place in Ann  
12 Del Negro's office.

13 Q. Okay.

14 A. I believe. That was a long time ago, so...

15 Q. Do you recall anything that Ann Del Negro may  
16 have said during that meeting?

17 A. Not specifically. I mean, if you ask me  
18 questions, I might be able to answer based on what you  
19 ask me, but I don't recall.

20 Q. You don't recall exactly what you may have said  
21 and you don't recall what Ann Del Negro may have said,  
22 is that fair?

23 A. That's fair, yes.

24 Q. Do you recall Ken Cole and/or Brigitte Brown



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51

1 expressing concerns about the move of the Upward Bound  
2 Math and Science program?

3 A. I recall that the meeting was about that, yes.

4 Q. You recall that the meeting was about that?

5 A. Yes.

6 Q. So my question was, do you recall -- I don't  
7 even remember what my question was.

8 Do you recall them voicing their concerns  
9 about the Upward Bound Math and Science move?

10 A. Yes.

11 Q. What was said by Ken Cole and Brigitte Brown?

12 A. Specifically?

13 Q. Whatever you can remember.

14 A. What I can recall is that the meeting was asked  
15 for and it was requested for and given to Ken Cole and  
16 Brigitte Brown, and I don't -- I'm not sure who else  
17 was there, if there was anyone else really from the  
18 staff or not. Met with Ann Del Negro and myself at  
19 their request to discuss their issues with the move.  
20 And they -- to the best of my recollection, they  
21 discussed their issues, which the three things that I  
22 remember are in -- I just read. Employee relations,  
23 morale, and productivity.

24 Q. So Ken Cole and Brigitte Brown expressed to you



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52

1 and Ann Del Negro their concerns about employee  
2 relations, morale and productivity, is that correct?

3 A. That is correct.

4 Q. And they also discussed with you that the small  
5 space would make it extremely difficult to protect  
6 students' privacy?

7 A. I don't recall that.

8 Q. Don't recall that part?

9 MR. McMACKIN: Objection to form.

10 Q. Did either Ken Cole or Brigitte Brown tell you  
11 that this move was treating them unfairly or  
12 unequally?

13 A. No.

14 Q. When Ken Cole and Brigitte Brown expressed  
15 their concerns about employee morale and employee  
16 relations and productivity, what was your response?

17 A. I didn't have a response.

18 Q. So --

19 A. This was brought to Ann Del Negro who was my  
20 supervisor.

21 Q. So what was Ann's response?

22 A. I don't recall.

23 Q. Did you respond at all to their concerns during  
24 this meeting?



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53

1 A. Not that I recall.

2 Q. Do you recall, what was the resolution of this  
3 meeting?

4 A. Well, the move went on, so I don't know if that  
5 answers your question.

6 Q. Do you know or do you recall whether Ann or  
7 yourself told the Upward Bound Math and Science group  
8 that the move would go on at that meeting?

9 A. I don't recall. Now, at some point that was  
10 said, but I don't recall if it was that meeting or  
11 not.

12 Q. And you mentioned that the move eventually did  
13 occur?

14 A. That's correct.

15 Q. Is that correct?

16 A. That's correct.

17 Q. In the Upward Bound Math and Science program we  
18 have Brigitte Brown and Ken Cole who are the student  
19 enrichment coordinators, correct?

20 A. One's a full-time student enrichment  
21 coordinator. One's a part-time student enrichment  
22 coordinator.

23 Q. Then we have Liz Wilson who's the secretary, is  
24 that correct?



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54

1 A. Liz Persons.

2 Q. Did she get married?

3 A. She changed her name.

4 Q. But we are talking about the same --

5 A. I just wanted to make sure we were talking --

6 Q. That's fine. Clarification is the best.

7 We also have REDACTED who's the  
8 program manager, is that correct?

9 A. At this present time.

10 Q. At that present time?

11 A. That is correct.

12 Q. That's what we are --

13 A. Yes.

14 Q. Are there any other members of the Upward Bound  
15 Math and Science program besides these four people  
16 that I just mentioned at this time?

17 A. They have summer staff.

18 Q. How many summer staff do they have?

19 A. I have no idea. I mean, I could give you a  
20 roundabout number. Say ten.

21 Q. Ten summer staff. Do the ten summer staff  
22 members work in the same office space as the Upward  
23 Bound Math and Science program people that I just  
24 mentioned?



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55

1 A. No.

2 Q. Okay. Is there anyone else besides the four  
3 people that I just mentioned that work in the same  
4 office space with them?

5 A. Not that I recall.

6 Q. Aren't there also student co-ops in those  
7 offices as well?

8 A. Only at the recommendation or the request of  
9 the program manager. That was something that's -- if  
10 the program manager wants a student worker, then they  
11 request one.

12 Q. So when you recommended that the UBMS program  
13 move, were you aware of how many student co-op workers  
14 UBMS had?

15 A. When I recommended that all -- when I made the  
16 recommendation of all the moves, not just the UBMS  
17 move --

18 Q. Okay.

19 A. -- I did not -- I did not inquire about student  
20 workers.

21 Q. So you didn't take into account other people  
22 being in the office besides UBMS members?

23 A. No. Because we never had office space for  
24 co-ops. Co-ops would work -- and I don't think they



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56

1 are called co-ops. Work study is what they are  
2 actually called.

3 Work studies are requested by the program  
4 manager to do tasks for the program manager. They  
5 don't -- no work studies have office space.

6 Q. So when they do their work that's asked of them  
7 by the program manager, where do they do that at?

8 A. Wherever the program manager can find a place  
9 for them to do it.

10 Q. Would that be, at some point, the office where  
11 the UBMS people work?

12 A. It could be. It could be. But it -- once  
13 again, it's a decision made by the program manager.  
14 It could be in the library. It could be in the  
15 cafeteria. It could be in the computer room, research  
16 room. It could be in lots -- if someone is out that  
17 day, it could be at their desk. It could be at a lot  
18 of places.

19 Q. Mr. Morris, could you tell me who was involved  
20 in the move besides the four people that I mentioned  
21 earlier? And I can go over them, Liz Wilson, Brigitte  
22 Brown, Ken Cole, and REDACTED ?

23 A. Who was involved in the move? Can you be more  
24 specific, please?



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57

1 Q. Who else either was moved in this move or  
2 participated in this -- assisting with the move as far  
3 as maintenance, approvals to move, things like that?  
4 Just who were these people?

5 A. I don't recall.

6 Q. Okay.

7 A. Everyone's --

8 Q. Just do the best you can.

9 A. I can tell the folks that moved. Upward Bound  
10 Math and Science program, all four individuals moved.  
11 The part-time student enrichment coordinator, who  
12 didn't have -- for Talent Search who didn't have  
13 office space moved. The tutoring coordinator who was  
14 Ms. Nell O'Neil, she moved subsequently. I mean, you  
15 know. Kate Sullivan move. Peter Lonie move. Crystal  
16 Heath moved. Administrative services had staff to  
17 assist us in the move. I don't remember how many or  
18 the names.

19 Q. Okay.

20 A. There was at least one, I believe one, computer  
21 services technician that helped set up the computers.  
22 My direct supervisor, who was Ms. Ann Del Negro, she  
23 was involved in the decision making. Dr. Zawislak was  
24 involved in the decision making. Mr. Miller was



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58

1 involved in the decision making.

2 Q. If we can turn to -- it's tabbed 5. I'd like  
3 to mark it as an exhibit.

4 (Paul Morris Deposition Exhibit 4 was  
5 marked for identification.)

6 BY MS. BREWINGTON:

7 Q. Mr. Morris, what is this document?

8 A. It's labelled Del Tech Community College's  
9 Upward Bound Math and Science Center. It looks like  
10 part of the grant.

11 Q. It was part of the grant?

12 A. Grant proposal, looks like.

13 Q. Have you ever seen it before?

14 A. Yes.

15 Q. It's labelled program years November 1, 2004,  
16 through October 31, 2009. It was submitted November  
17 22nd, 2002. Is that correct?

18 A. That's what it says, yes.

19 Q. I'm turning to the second page. Actually, it's  
20 labelled at the bottom 92?

21 A. Okay.

22 Q. Page 92.

23 MR. McMACKIN: Can I just put on the  
24 record that this isn't the entire document. It hasn't



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59

1 been produced, and it's not Bates stamped.

2 I'm sorry. This isn't the entire grant.  
3 It is the entire document, but it's not the entire  
4 grant. I misspoke there. I apologize.

5 BY MS. BREWINGTON:

6 Q. Halfway down the page, Mr. Morris, do you see  
7 where it indicates the suite of offices provides  
8 privacy for confidential conversations with center  
9 participants?

10 A. Yes.

11 Q. Is it fair to say that the grant proposal  
12 indicates that there will be suite of offices where  
13 there would also be privacy?

14 MR. McMACKIN: Objection. Compound.

15 A. Clarify.

16 Q. Is it fair to say that the grant proposal  
17 indicates that there will be suites of offices?

18 A. That's what it says. I mean, define suite.

19 Q. But it does say that?

20 A. That's -- that's correct.

21 Q. And that was my question.

22 Is it also fair to say that the grant  
23 proposal indicates that the suite of offices would  
24 provide privacy for confidential conversations?



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60

1 A. That's what it says, yes.

2 Q. Mr. Morris, did Upward Bound Math and Science's  
3 former office space before the move provide for  
4 privacy?

5 A. No.

6 Q. Why not?

7 A. Those were modular offices. The walls are  
8 modulars. So there are spaces -- privacy meaning for  
9 voice, I guess is what I think you're asking me. Is  
10 that correct?

11 Q. Yes.

12 A. There's space open to the upper right-hand  
13 corner. So, therefore, you could hear. It's not  
14 private as far as private conversations.

15 Q. Are they offices where they were before,  
16 individual office space?

17 A. Where they are at now is individual office  
18 space.

19 Q. No. My question was, where they were prior to  
20 the move --

21 A. Yes.

22 Q. -- were they individual offices?

23 A. Yes.

24 Q. And these individual offices, my question is,



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61

1 did they provide privacy?

2 A. Define privacy.

3 Q. Where they could communicate with their  
4 students in private.

5 A. No.

6 Q. And the reason for that is?

7 A. These are modular offices. The offices were  
8 constructed with modular materials. So, therefore, in  
9 the construction there is a space where the windows  
10 are that's open to the next office. So a private  
11 conversation could be heard into the next office.

12 Q. So there's partitions in these offices?

13 A. Well, they're modular. I don't want to use the  
14 word "partition" because they look like a wall, but  
15 they weren't part of the original construction, if  
16 that makes sense. So there's a cut-out, which you can  
17 actually hear conversations.

18 Q. Let me ask you this. If you had to compare  
19 where they were previously, the Upward Bound Math and  
20 Science program, to where they moved to, which office  
21 space provided more privacy?

22 MR. McMACKIN: Objection. Calls for  
23 speculation. You can answer.

24 A. The question you asked me about voice privacy,



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62

1 I would say there's not much difference.

2 Q. Well, did where they move to have partitions or  
3 modules that you just talked about?

4 A. It didn't, no.

5 Q. Did it have anything at all to account for a  
6 separation of office space between individuals?

7 A. It could have.

8 Q. But did it?

9 A. When they first moved, no. At the decision of  
10 the program -- the program manager made a decision not  
11 to put in partitions.

12 Q. Isn't it true that Liz Wilson requested  
13 partitions for the new office space?

14 A. Not to my recollection.

15 Q. Not to your recollection. Okay.

16 Well, isn't it also true that that --

17 A. Can I make an objection? You said also true.

18 Q. Okay. I'm sorry.

19 Isn't it true that you indicated to Liz  
20 Wilson that they could not have partitions because of  
21 the Edgar grant?

22 A. No.

23 MR. McMACKIN: Objection to form.

24 A. No. Not true.



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63

1 Q. Do you have any idea where that came from?

2 A. No. That's the first time I've heard of it.

3 Q. Does the Edgar grant allow for monies to be  
4 used for construction?

5 A. Partitions are not construction.

6 Q. So partitions would not be considered  
7 construction in terms of the Edgar grant?

8 A. You're referring to the Edgar grant. Where  
9 is -- I don't know what that is.

10 Q. You don't know what that is. I'm sorry. Let  
11 me confer.

12 (Discussion off the record.)

13 BY MS. BREWINGTON:

14 Q. Let me ask you, are you familiar with the Edgar  
15 regulation?

16 A. You said grant.

17 Q. I did, and I apologize for that. The Edgar  
18 regulation, what is that?

19 A. Edgar regulations are regulations that govern  
20 educational programs in the department of education --  
21 I'm sorry -- in the government.

22 Q. In the government?

23 A. Not just the department of education.

24 Q. Now, Edgar regulations, do they stipulate --



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64

1 correct me if I'm wrong. My question is, do they  
2 stipulate that you cannot use grant money for  
3 construction?

4 A. For construction, yes.

5 Q. And do you recall saying to Liz Wilson that  
6 they could not have partitions because the Edgar  
7 regulations wouldn't allow it?

8 A. No. Not only do I not recall it, I didn't say  
9 it.

10 Q. We've talked about the Upward Bound Math and  
11 Science program, and in their former office they  
12 had -- you didn't say partitions. You said modules.  
13 Is that right?

14 A. That's correct.

15 Q. Did the other programs have modules or  
16 partitions?

17 A. Partitions, yes.

18 MR. McMACKIN: Objection. Vague.

19 Q. So the other programs had partitions. Let me  
20 clarify. The other programs, meaning the Talent  
21 Search and Upward Bound Classic, they had partitions?

22 MR. McMACKIN: Objection to form.

23 A. At the request of the program manager -- the  
24 program manager purchased and put in the partitions,



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65

1 yes.

2 Q. But the Upward Bound Math and Science program  
3 did not have partitions?

4 A. The Upward Bound Math and Science program  
5 manager did not purchase and put in partitions, that's  
6 correct.

7 Partitions are allowed under Edgar, just  
8 to further clarify.

9 Q. So partitions are allowed under Edgar?

10 A. That's correct.

11 Q. And do you know why Upward Bound Math and  
12 Science did not have partitions in their room when  
13 they moved?

14 A. The program manager did not request them, to my  
15 knowledge.

16 Q. So --

17 A. The program manager makes the purchases and did  
18 not purchase partitions.

19 Q. So, for clarification, my question is, so the  
20 reason why they did not have partitions is because

21 REDACTED did not order them?

22 A. That's correct.

23 Q. Mr. Morris, who is Tonia Conley?

24 A. Tonia Conley was a student enrichment



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66

1 coordinator for Upward Bound Classic.

2 Q. Does she still work at Delaware Tech?

3 A. No.

4 Q. And Kate Sullivan was the program manager for  
5 Upward Bound Classic, is that correct?

6 A. That's correct.

7 MR. McMACKIN: Objection. Form.

8 I sorry. I retract that objection.

9 BY MS. BREWINGTON:

10 Q. Is it fair to say that Tonia Conley reported to  
11 Kate Sullivan, the program manager in Upward Bound  
12 Classic?

13 A. Yes.

14 Q. And Kate Sullivan is white?

15 A. Yes.

16 Q. And Tonia Conley is black?

17 A. Yes.

18 Q. Do you know whether Tonia Conley filed a  
19 grievance against Kate Sullivan?

20 A. For?

21 Q. I'm just asking any grievances.

22 A. I know there was -- no. I don't know about a  
23 grievance, no.

24 Q. You don't know about a grievance?



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67

1 A. I don't recall a grievance filed, a formal  
2 grievance filed.

3 Q. Are you aware of the nature of their working  
4 relationship?

5 A. I'm aware -- I was aware of the nature of lots  
6 of people's working relationship.

7 Q. So you were you aware of the nature of Tonia --

8 A. Yes.

9 MR. McMACKIN: Objection. Objection.  
10 It's vague.

11 Q. Did Tonia Conley and Kate Sullivan have a  
12 personality conflict?

13 A. I'm not a psychologist, so I don't know.

14 Q. You don't know whether they did?

15 A. No.

16 Q. Do you know whether there were any issues  
17 between Tonia Conley and Kate Sullivan?

18 A. Yes.

19 Q. Tell me about the issues between Tonia Conley  
20 and Kate Sullivan?

21 A. Some of these issues deal with personnel  
22 issues. And am I allowed to go into that?

23 MR. McMACKIN: Yeah. Just be ready,  
24 please, we may, during the course of this particular



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68

1 questioning, ask for certain testimony to be put under  
2 seal.

3 A. There was a period of time -- I don't know --  
4 five, six months when I was Kate Sullivan's  
5 supervisor --

6 Q. When was this?

7 A. It was -- I was reclassified as special  
8 programs director from I believe it was June or July  
9 to November.

10 Q. Of 2000 --

11 A. Of 2002.

12 Q. Okay.

13 A. When I was reclassified, I became Kate  
14 Sullivan's supervisor. So, in that capacity, the only  
15 capacity that I was ever involved in their relations,  
16 as you put it.

17 Q. Okay.

18 A. So that's why I said about employee  
19 confidentiality. There were issues, employee issues  
20 with Tonia that the program manager was dealing with.

21 (Pages 69-70 are under seal.)

22

23

24



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71

**1** (Transcript continues unsealed.)

2 BY MS. BREWINGTON:

3 Q. Was the office space that Liz Wilson, Brigitte  
4 Brown, and Ken Cole moved to, was that at one time Ann  
5 Del Negro's private office.

6 MR. McMACKIN: I'm going stop you here.

7 We are going to pause our request for the information  
8 to be put under seal, switching topics.

9 MS. BREWINGTON: I should have told you.

10 MR. McMACKIN: That's okay.

11 A. Yes.

12 Q. Yes to my question?

13 A. Yes.

14 Q. When was that?

15 A. I don't recall. It was -- I'll give you an  
16 estimate. I would say like 2000, 2001.

17 Q. 2000, 2001.

18 You mentioned that at one point you were  
19 special programs director, is that correct?

A. That's correct.

21 Q. When were you special programs director?

22 A. As previously stated, I believe around June,  
23 July 2002 until November 2002.

24 MR. McMACKIN: I'm going to bring an

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72

1 objection. The deponent testified that he was program  
2 manager, not the special programs director.

3 MS. BREWINGTON: I'm sorry. I think --

4 THE WITNESS: I was special programs  
5 director for those six months.

6 MR. McMACKIN: I apologize.

7 THE WITNESS: I was program manager prior,  
8 and then after November, I became -- I went back to  
9 program manager.

10 MS. BREWINGTON: Okay. We'll get to that.

11 BY MS. BREWINGTON:

12 Q. So you were program manager and then you said  
13 you were reclassified to special programs director, is  
14 that what you said?

15 A. Yes. That's correct.

16 Q. When were you reclassified or when did you  
17 change positions to special programs director?

18 A. Just for the record, this is the third time  
19 I've answered this question.

20 Q. Okay. I need a --

21 A. June, July of 2002.

22 Q. How did this change in position come about?

23 A. The college has a reclassification process.

24 Q. Tell me about the reclassification process.



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73

1 A. The office of the president puts out a  
2 document, for lack of a better term, and if you feel  
3 like your job duties have changed or are going to  
4 change, you fill out the paperwork of what your job  
5 duties have been, what they are, and they can  
6 reclassify the position.

7 I have a colleague, through TRIO, down in  
8 our Owens campus, who has a position of special  
9 programs director, and what I was doing at the time  
10 was very similar to what she did. So I put in the  
11 paperwork. The paperwork was submitted, and the  
12 office of the president reclassified my position.

13 Q. Who was the individual at the Owens campus that  
14 was special programs director?

15 A. Bonnie Hall. Still is.

16 Q. Bonnie Hall?

17 A. Hall. She still is.

18 Q. She still is. Okay. I thought you said  
19 another name.

20 Now, in order to be reclassified, under  
21 Del Tech's policy, is it true that you have to be able  
22 to perform the additional job duties within your  
23 normal work schedule?

24 A. Yes.



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74

1 Q. Mr. Morris, did you perform the duties of  
2 special programs director within your normal work  
3 hours?

4 MR. McMACKIN: Objection to time frame.

5 A. I did for special programs director, yes.

6 Q. For special programs director, yes?

7 A. For additional duties I did, yes. That was  
8 your question, the additional duties?

9 Q. I don't really understand your answer. Every  
10 time somebody objects it's like it breaks up the --  
11 but my question is, were you able to perform the  
12 duties of special programs director during your normal  
13 work hours?

14 MR. McMACKIN: Same objection.

15 A. Yes and no.

16 Q. Okay. Explain that to me.

17 A. Yes. The additional duties, yes. However,  
18 because there was so many additional duties, a lot of  
19 the program manager stuff I did for Talent Search I  
20 did outside of my additional duties. I  
21 did previously. See, that's where the question is  
22 throwing me for a loop a little bit. Based on the  
23 classification, once I have reclassified, the answer  
24 is, yes, I did all my duties within that time frame,

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75

1 once I was reclassified.

2 Q. Once you were reclassified, but when you  
3 requested the classification, in order to even be  
4 reclassified, isn't it true that you have to perform  
5 those work duties within your regular work hours?

6 A. And the policy says yes. However, the forms  
7 did not. So there was nothing for me say -- nothing  
8 for me to know that, to be honest with you.

9 Q. But the policy does say --

10 A. That's correct.

11 Q. -- that you do have to --

12 A. Yes. Yes. That's correct.

13 Q. And you were not able to perform those  
14 additional duties within your regular work hours?

15 MR. McMACKIN: Objection to foundation.

16 A. Not correct.

17 Q. Let me ask you again. Isn't it true that you  
18 were not able to perform those additional work hours  
19 for special programs director prior to being  
20 reclassified?

21 A. That's correct.

22 Q. And isn't it also true that you were still  
23 reclassified even though you weren't able to perform  
24 those additional job duties?



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76

1                   MR. McMACKIN: Objection. The question is  
2 ambiguous.

3                   A. Yes. However, that was never -- that was never  
4 known. That was never put on any documentation. That  
5 was never requested in the reclassification process.  
6 And I'm sure you know this. Hence, the  
7 reclassification was rescinded because of that.

8                   Q. We'll get to that.

9                   A. Because of the grievance filed.

10                  (Pages 77, *et seq.*, are under seal without  
11 the seal request ending.)

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77

1 BY MS. BREWINGTON:

2 Q. What salary plan were you in prior to your move  
3 to special programs director?

4 MR. McMACKIN: This is under seal, please.

5 A. B-16.

6 Q. And when you moved to special programs  
7 director, what salary plan were you in at that time?

8 A. B-17.

9 MR. McMACKIN: Request is continuing that  
10 the testimony be under seal.

11 Q. So is it fair to say that you moved from a  
12 grade 16 to a grade 17?

13 A. That's fair to say, yes.

14 Q. And isn't it fair to say that that would be  
15 considered a promotion?

16 A. No. Reclassification.

17 Q. Mr. Morris, was the position of special  
18 programs director ever posted prior to you getting  
19 this position?

20 A. No, because reclassifications aren't posted.

21 Q. You mentioned Bonnie Hall earlier, isn't that  
22 true?

23 A. Yes.

24 Q. And you stated that she was the special



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78

1 programs director of the Owens campus, is that  
2 correct?

3 A. That's correct.

4 Q. Do you know whether or not that position was  
5 posted?

6 A. No.

7 Q. If you can turn to exhibit 7 in the complaint,  
8 I'd like to have that marked.

9 (Paul Morris Deposition Exhibit 5 was  
10 marked for identification.)

11 BY MS. BREWINGTON:

12 Q. Mr. Morris, could you tell me what this  
13 document is?

14 A. I can tell you what it says.

15 Q. You can't tell me what it is. Do you know what  
16 it is?

17 A. It's a campus -- CCP update.

18 Q. Who sends out the CCP update, meaning where is  
19 this originated from? Like who's involved in putting  
20 this CC update together?

21 MR. McMACKIN: Objection. Compound.

22 Q. My question is, who was involved in putting the  
23 CC update together?

24 A. I'm not sure. I know -- I can answer this.



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79

1 Probably cut to the chase. The division director is  
2 the one that authors the update.

3 Q. Okay.

4 A. But there's -- she had staff, I'm sure, that  
5 assisted her in putting it together and sending it  
6 out. That's why it's hard to answer your question.

7 Q. Who was that?

8 A. I don't know. Whoever her staff was at the  
9 time.

10 Q. No. I mean, you're saying "her."

11 A. The division director.

12 Q. Division director, and her name is --

13 A. Dr. Susan Zawislak.

14 Q. So is it fair to say that Susan Zawislak  
15 authored this form right here?

16 MR. McMACKIN: Objection. Calls for  
17 speculation. You can answer.

18 A. To my knowledge, yes. I'm sure she has help  
19 doing that, but yes, it's her update. She's division  
20 director.

21 Q. And is it fair to say that the second paragraph  
22 of this form indicates that "Paul Morris has  
23 been promoted to special programs director"?

24 A. That's what it says, yes.



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80

1 Q. She's your manager, correct?

2 A. She wasn't my supervisor, no.

3 Q. She wasn't your supervisor, no? But she was  
4 director of the entire program?

5 A. She was director of the entire division.

6 Q. Entire division. Okay.

7 So Ms. Zawislak sent out a newsletter  
8 indicating that you received a promotion to special  
9 programs director, is that correct?

10 A. Yes. That's correct. She later sent out a --  
11 rescinded that and restated what the fact was, that I  
12 was reclassified.

13 Q. Do you know why she would send out something  
14 indicating that you received a promotion?

15 A. No.

16 Q. Were you aware that Ken Cole filed a grievance  
17 with respect to your change in position from program  
18 manager to special programs director?

19 A. I was made aware later.

20 Q. Let me point you to Exhibit 8.

21 (Discussion off the record.)

22 (Recess taken.)

23 MS. BREWINGTON: We are back on the  
24 record. Would you read back and tell me what my last



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81

1 question was?

2 (Record read.)

3 MS. BREWINGTON: Next exhibit is tab 8.

4 (Paul Morris Deposition Exhibit 6 was  
5 marked for identification.)

6 BY MS. BREWINGTON:

7 Q. Mr. Morris, based on review of this, Ken Cole's  
8 grievance was filed on September 5th, 2002, is that  
9 correct?

10 A. Based on this document, yes.

11 Q. Did you say that you became aware of this  
12 sometime after he filed the grievance?

13 A. Yes.

14 Q. Do you know approximately when you became aware  
15 of the grievance?

16 A. I was interviewed by Jackie Jenkins who was  
17 director of human resources at Delaware Tech,  
18 Wilmington campus, I would say late October. I'm  
19 guessing. I know it was -- the reclassification was  
20 rescinded in November, and it was probably a week or  
21 two before that. And that was when I was made aware  
22 that -- to that point I didn't know that there was a  
23 grievance filed.

24 Q. So Ken Cole filed a grievance on September 5th



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82

1 2004.

2 A. Not correct.

3 Q. September 5th, 2002. I'm sorry.

4 Were you aware that Sue Zawislak sent out  
5 a memo on September 9, 2002, four days later,  
6 indicating that you were not promoted but  
7 reclassified?

8 A. Yes.

9 Q. Do you know why she would do that?

10 A. To be --

11 MR. McMACKIN: Objection. Calls for  
12 speculation.

13 A. I thought it was to fix the language because I  
14 wasn't promoted.

15 Q. You mentioned earlier that your  
16 reclassification was rescinded, is that correct?

17 A. Yes.

18 Q. Could you tell me why it was rescinded?

19 A. I was told that it was rescinded because of,  
20 prior to me being reclassified, I wasn't working all  
21 the -- I wasn't performing all duties within a 37 1/2  
22 hour workweek.

23 Q. Who were you told this by?

24 A. By Mr. Miller when it happened -- when it was



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83

1       rescinded on -- I think it was November 11. I'm  
2       guessing on the date. It was November sometime.  
3       Mr. Miller called me in his office, and I was notified  
4       that I was being classified back to program manager  
5       and reason was that. And I also received a -- a memo,  
6       a letter stating that it was rescinded.

7       Q.     When was your position rescinded?

8       A.     I believe it was in November.

9       Q.     And after your position was rescinded, what  
10      title did you have?

11      A.     Program manager.

12      Q.     So you returned to program manager, is that  
13      correct?

14      A.     Of Educational Talent Search, yes, that is  
15      correct.

16      Q.     Is it fair to say that your position as special  
17      programs director was rescinded because of Ken Cole's  
18      grievance?

19      A.     No.

20      Q.     Why not?

21      A.     My position was rescinded because of policy.

22      Q.     Because of policy?

23      A.     The policy stating that I cannot work -- you  
24      cannot perform the duty -- you have to perform the



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84

1       duties within a 37 1/2 hour workweek. Prior to the  
2 interview by Jackie Jenkins, she asked me questions --  
3 she asked me questions and one of the questions she  
4 asked was how did I perform the duties before the  
5 reclassification? And I explained to her that I  
6 actually came in early and stayed late. Based on  
7 learning that and based on her knowledge of the  
8 policy, she made a recommendation to Mr. Miller  
9 that -- for it to be rescinded to my knowledge.

10      Q. Is it fair to say that it was Ken Cole's  
11 grievance that brought it to the attention of  
12 Mr. Miller?

13      A. I wouldn't be able to answer that.

14      Q. Paragraph 36 of Brigitte Brown's complaint --  
15                    MR. McMACKIN: What exhibit is that.

16                    MS. BREWINGTON: Exhibit E.

17                    (Paul Morris Deposition Exhibit 7 was  
18 marked for identification.)

19                    BY MS. BREWINGTON:

20      Q. Have you had an opportunity to review paragraph  
21 36 in the complaint?

22      A. Yes.

23      Q. Did you tell REDACTED that Brigitte Brown  
24 would not go far as a Del Tech employee doing the



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85

1 things that she is doing?

2 A. No.

3 Q. Do you recall saying anything like that?

4 A. No.

5 Q. Do you have any idea where this allegation may  
6 have come from?

7 A. No.

8 Q. Did you have any discussion with REDACTED  
9 concerning Brigitte Brown's status at Del Tech and her  
10 promotion ability.

11 A. No.

12 MR. McMACKIN: Objection. Compound.

13 Q. From in the beginning of the depo, we talked  
14 about your promotions at Delaware Tech. You mentioned  
15 that you became acting department chair of community  
16 and school programs at some point?

17 A. Community school projects, yes.

18 Q. When was that?

19 A. I stated earlier it was August, late August,  
20 beginning September 2003.

21 Q. And were all the TRIO programs under your  
22 management?

23 A. In my acting capacity?

24 Q. Yes.



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86

1 A. No.

2 Q. Were any of the TRIO programs under your  
3 management in your acting capacity?

4 A. Under my oversight, yes. Not management. I  
5 didn't directly manage the programs.

6 Q. Okay.

7 A. They were in my department.

8 Q. In your department?

9 A. Yes.

10 Q. So what TRIO programs were in your department?

11 A. Talent Search, Educational Talent Search,  
12 Upward Bound Classic, and we had a new program that  
13 started October 1st of 2003, which was TRIO  
14 Dissemination.

15 Q. I'm sorry.

16 A. TRIO Dissemination

17 I also had other youth programs outside  
18 the TRIO programs in my department.

19 Q. So it's fair to say that Upward Bound Math and  
20 Science was not under your umbrella?

21 A. That's correct.

22 Q. Why is that?

23 A. I think we have to go back into -- I want to  
24 say something that's confidential based on --



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87

1                   MR. McMACKIN: At this time I'd like to  
2 designate the testimony under seal.

3                   (Pages 88, *et seq.*, are under seal without  
4 the seal request ending.)

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88

1 A. At the time the program manager, REDACTED  
2 REDACTED , was under -- I don't know proper words to  
3 use, but an improvement plan.

4 BY MS. BREWINGTON:

5 Q. I'm sorry. She was in an improvement plan?

6 A. Improvement plan. Based on the running of a  
7 program for the previous few years, I think -- I'm  
8 giving approximates because I don't know the exact  
9 time. I only supervised her for a few months, so  
10 dated back to -- I think it was in 2000 on, she  
11 received reprimands and further disciplinary action  
12 for mismanagement of program funds, mismanagement of  
13 the program. So when I became department chair,  
14 because it was a personnel matter, because at that  
15 point it was already -- she was at the point -- I  
16 guess I'm allowed to say all these things?

17 MR. McMACKIN: There is a confidentiality  
18 stipulation in place. So this is on the record, but  
19 we will make sure it's redacted from the transcript.

20 A. She was -- further down the road, she was  
21 terminated. So leading up to her termination and the  
22 process up to her termination, it was already --  
23 before I came into play, it was already happening. So  
24 the decision was made to have Math and Science not in

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89

1 my department until that was all resolved.

2 Q. And decision was made by who not to have Math  
3 and Science in your department?

4 A. Above me. That's all I can say. I don't know  
5 who -- I would say it was probably ultimately the  
6 campus director, but I don't know who recommended the  
7 decision. It wasn't something that I had any  
8 involvement in whatsoever. I was just told that Math  
9 and Science was not going to be in my department.

10 MR. McMACKIN: I'm going to caution the  
11 witness not to speculate, but I'm not stating an  
12 objection.

13 BY MS. BREWINGTON:

14 Q. UBMS was not under your umbrella but it was  
15 under someone else's. Is that fair to say?

16 A. It's fair to say it wasn't under my umbrella,  
17 yes.

18 Q. Who was responsible for the UBMS program?

19 A. Prior to me becoming acting department chair,  
20 the TRIO programs reported to the assistant director  
21 of corporate and community programs. When I became  
22 department chair -- acting department chair, all the  
23 TRIO programs except Upward Bound Math and Science  
24 came under my department. Upward Bound Math and



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